

JENNIFER K. HOSTETLER
Nevada Bar No. 11994
jhostetler@lrrc.com
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169
Tel: (702) 949-8200
Fax: (702) 949-8378

TARA M. LEE, *Pro Hac Vice Pending*
tara.lee@whitecase.com
SCOTT LERNER, *Pro Hac Vice Pending*
scott.lerner@whitecase.com
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
Tel: (202) 626-3600
Fax: (202) 639-9355

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NICHOLAS DEFIORE, an individual; et al.,

Plaintiffs,

vs.

SOC LLC, a Delaware limited liability
company registered and doing business in
Nevada as SOC NEVADA LLC; SOC-SMG,
Inc., a Nevada Corporation; DAY &
ZIMMERMANN, INC., a Maryland
corporation; and DOES 1-20, inclusive,

Defendants.

Case No.: 2:20-cv-01981-JAD-DJA

**STIPULATION AND ORDER TO
STAY DISCOVERY
[FIRST REQUEST]**

Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiff Nicholas DeFiore, et al. (“**Plaintiffs**”) and Defendants SOC LLC (“**SOC**”), SOC-SMG, Inc. (“**SOC-SMG**”), and Day & Zimmermann, Inc. (“**Day & Zimmermann**”) (collectively, “**Defendants**”), hereby stipulate and agree to the following:

1. On November 20, 2020, Defendants filed their Motion to Dismiss, and on November 25, 2020 Plaintiffs filed their Motion for Remand. Defendants’ Motion to Dismiss argues that Plaintiffs failed to state a claim upon which relief can be granted. Plaintiffs’ Motion

1 for Remand argues this court lacks subject matter jurisdiction. Both motions are potentially
2 dispositive of the action in federal court.

3 2. On November 27, 2020, the parties filed a Stipulation and Order to Extend
4 Briefing Deadlines for Motion to Dismiss and Motion for Remand. This stipulation is pending
5 approval by court order.

6 3. The parties wish to avoid dedicating their respective limited resources on the
7 burden and expense of discovery in the event that the case is dismissed or remanded.
8 Accordingly, the parties stipulate to stay discovery pending the Court's resolution of both
9 potentially dispositive motions, which they believe is consistent with the spirit of the Federal
10 Rules of Civil Procedure. *See* Fed. R. Civ. P. 1.

11 4. Whether a federal court has jurisdiction to hear a case is an important preliminary
12 issue that generally warrants a stay. *See Izumi v. Cox Commc'ns Las Vegas, Inc.*, No. 2:11-CV-
13 00803-RLH, 2011 WL 3875343, at *2 (D. Nev. Aug. 31, 2011) (citing *Turner Broad. Sys., Inc.*
14 *v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997)).

15 5. Defendants also contend that the stay is warranted because their Motion to Dismiss
16 has merit. *See, e.g., H&N Invs. v. MTC Fin., Inc.*, 2015 US. Dist. LEXIS 119847, at *3–6 (D.
17 Nev. Sept. 8, 2015) (granting the parties' joint motion to stay discovery pending resolution of the
18 defendant's motion to dismiss); *Szymborski v. North Las Vegas*, 2019 U.S. Dist. LEXIS 94898
19 (D. Nev. June 5, 2019) (same); *Segal v. Lefebvre*, 2013 U.S. Dist. LEXIS 194877 (D. Nev. Nov.
20 14, 2013) (same).

21 6. The parties agree to file a similar stipulation to stay discovery in the related action
22 *Darrough v. SOC LLC*, 2:20-cv-01951 (D. Nev. Oct. 21, 2020).

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7. If, after the Court's determination of the Motion to Dismiss and Motion for Remand, there are any remaining claims in federal court, the parties agree to conduct a Rule 26(f) Conference within 21 days of the Court's order on the pending motions.

DATED this 1st day of December 2020.

EARLY SULLIVAN WRIGHT
GIZER & McRAE LLP

LEWIS ROCA ROTHGERBER CHRISTIE
LLP

By: /s/ Scott E. Gizer
Scott E. Gizer (#12216)
sgizer@earlysullivan.com
8716 Spanish Ridge Avenue, Suite 105
Las Vegas, NV 89148
Tel: (702) 331-7593
Fax: (702) 331-1652

By: /s/ Jennifer K. Hostetler
Jennifer K. Hostetler (#11994)
jhostetler@lrrc.com
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169
Tel: (702) 949-8200
Fax: (702) 949-8398

Attorney for Plaintiffs


WHITE & CASE LLP

By: /s/ Tara M. Lee
Tara M. Lee, *Pro Hac Vice*
tara.lee@whitecase.com
Scott Lerner, *Pro Hac Vice*
Scott.lerner@whitecase.com
701 Thirteenth Street, NW
Washington, DC 20005-3807
Tel: (202) 626-3600
Fax: (202) 639-9355

Attorneys for Defendants

ORDER

IT IS SO ORDERED:



DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE

DATED: December 2, 2020